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ABSTRACT

This journal focuses on the censorship of reading materials employed by English teachers in public school classrooms. Separate articles include tongue-in-cheek instructions for how to burn a book; a report on recent censorship trends and actions taken by the National Council of Teachers of English and by the Kentucky Council of Teachers of English to provide for the study of censorship incidents and for guidance for teachers involved in censorship issues; case studies of three Kentucky incidents involving attempted censorship by a student, by the religious community, and by a parent; a report on results of a 1973 survey of Kentucky secondary school teachers regarding the extent of the censorship problem in Kentucky, censorship policies prepared by schools, and the results of various censorship cases; a statement on the issue of academic freedom for public school teachers; and a discussion of protection granted to educators under Kentucky obscenity laws. The journal includes a sample form to be used for a "Citizen's Request for Reconsideration of a Book," and it also includes the questionnaire employed in the 1973 survey of secondary teachers. (GW)

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Issue on Censorship

# Kentucky English Bulletin

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## FOREWORD

On June 21, 1973, the United States Supreme Court decided five cases involving the application of First Amendment guarantees to materials having sexual content. The effect of these decisions on libraries has been summarized by Mr. Justice Douglas in his dissenting opinion *(Paris Adult Theater I v. Slayton, District Attorney, et al.)*:

> What we do today is rather ominous as respects librarians. The net now designed by the court is so finely meshed that taken literally it could result in raids on libraries. Libraries, I have always assumed, were sacrosanct, representing every part of the spectrum. If what is offensive to the most influential person or group in a community can be purged from a library, the library system would be destroyed.

These decisions, collectively, effect a fundamental change in the nature and scope of First Amendment guarantees. In substance, they alter previous law by holding that (1) works which have some redeeming social value but which do not, taken as a whole, have "serious literary, artistic, political or scientific value" are subject to censorship; (2) the determination of the seriousness of the value of a work is to be made by the jury on the basis of "contemporary community standards" applied by the "average person"; (3) the "contemporary community standards" to be applied by the "average person" are not those of the national community but rather those of any local subdivision of government which chooses to adopt obscenity legislation; (4) there is no need for any evidence or showing of proof supporting the claimed obscenity of a work, other than a presentation of the work itself; (5) the obscenity of a work is an issue of fact for the jury and hence not an appealable issue; and (6) while a person may possess in the privacy of his own home material deemed to be obscene, he may not purchase, acquire, or import such material from any source. It is a cardinal principle of criminal justice that a person must be able to ascertain with reasonable certainty what the law forbids. But no one, not even the most learned attorney, can now state with assurance that a given work is not obscene, for the question of obscenity is to be decided by juries using local standards. However, in *Jenkins v. Georgia*, the Supreme Court, just about a year after *Paris Theater I v. Slayton*, in June of 1974, reversed the conviction of a theater owner for obscenity for showing "Carnal Knowledge" on the grounds that *juries do not have complete discretion* to judge what is offensive, and the picture did not focus on "ultimate sexual acts."

In another decision the Supreme Court ruled that federal laws prohibiting the mailing of obscene material are not unconstitutional for failing to provide adequate notice of what is prohibited, under guidelines provided by the court a year ago, *Hamling v. United States*. The Supreme Court has said in *Jenkins v. Georgia* that it never intended any community to exercise "unbridled discretion" in determining what is obscene and has said more explicitly than it did last year that to be

found obscene a depiction of sexual or other conduct must not only appeal to the prurient interest, lack serious literary or other value and be specifically forbidden by the applicable state law, but that such law must confine itself to these representations such as ultimate sexual acts, normal or perverted, actual or simulated, which are patently offensive. This all leaves us where Justice Brennan observed in his dissent in the 1973 decision, "One cannot say with certainty that material is obscene until at least five members of this court, applying inevitable obscure standards, have pronounced it so." Conservative columnist James J. Kilpatrick, in agreeing with Justice Brennan that more harm is done to a healthy society by censorship than by pornography, declares, "If village idiots, in significant numbers, succeed in twisting the new rules so as once again to ban *Catcher in the Rye*, we can get back in the trenches once more."

Alice Manchikes, Guest Editor

## HOW TO BURN A BOOK

By Richard Armour

Book burning is a charming old custom, hallowed by antiquity. It has been practised for centuries by fascists, communists, atheists, school children, rival authors and tired librarians. Like everything of importance since the invention of the cloak and the shroud, its origins are cloaked in mystery and shrouded in secrecy.

Since this custom is so ancient and has been practiced so continuously, it might seem strange that there is need at this time for instruction as to how to burn a book. The need, however, is not only real but urgent. Many of those engaged in book burning are not themselves readers or possessors of books, and thus are unable to cope effectively with the destruction of these unfamiliar objects. For those who are able to read, it is hoped that these instructions will be found helpful.

• • • •

Unless the fire has already been brought to an extremely high temperature, it is not advisable to burn a book whole. The first step is to remove the binding, which is the outer part and has very little printing on it. If this should happen to be buckram or leather, it may be necessary to pour petrol upon it to increase its inflammability. (These instructions may be ignored if the book—as there is an increasingly good chance will be the case—has a paper binding. Moreover, the book burner may wish to spare such bindings out of deference for the women who are depicted upon their covers.)

Once the binding is removed, the book's pages should be taken out a few at a time. If the pages have been cunningly stitched together, instead of glued, this may be a laborious process, but one well worth the effort. Fifty or a hundred pages fastened together will be found to burn with exasperating slowness, and the expenditure of a considerable amount of petrol may be required. On the other hand, five or ten pages will burn quite rapidly. Although it may take a little more time at first, removal of the pages one by one will pay off in the end. Each individual page will burn quickly, give off a lovely flame, and leave almost no ash. The page-by-page method of book burning is strongly recommended.

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An increasingly popular place for book burning is the middle of a street, or, even better, a town square. This makes possible the burning of a larger number of books at one time, and the fire may become intense enough for the burning of whole books, thus eliminating the necessity of the painstaking separation of pages referred to above. Another advantage is that this type of burning can be watched by a large number of townspeople and can become something of a social event. Community songs often develop spontaneously on such occasions, and many persons stay late to reminisce about other book burnings and to tell stories by

the waning fire. It is well to watch the direction of the wind, and to have fire apparatus nearby in case the blaze should get out of hand. It is also foresighted to engage additional street cleaners to sweep up the ashes and partially burnt bindings the next day. Some towns have returned a handsome profit by selling the concession for refreshments, souvenirs, and other items likely to be desired by the crowd of onlookers.

Since the invention of printing, book burning has lagged seriously behind book production. Suggestions have recently been offered from all sides, especially the left side and the right side, as to how to close the dangerous gap. Burning the individual book is slow and toilsome, and many scores and even hundreds of copies of a book may be produced while half a dozen copies are being burned. One proposal, under serious consideration in some quarters, is to burn libraries instead of books. Another plan envisages burning publishing houses.

In this brief treatment of the subject, there is no space to discuss in detail the merits of these various proposals. The burning of individual books has an element of sport in it, and permits a considerable amount of what is known as audience participation. The burning of libraries is a large-scale, practical solution to the problem, and the resulting conflagrations would, it is admitted, be spectacular. The burning of publishing houses is an admirable idea, although since most publishing houses are in London, persons in other parts of the country would have to be content with watching the blazes over television.

The simplest and most efficient method, and one that would afford a great deal of pleasure to a large number of persons, seems to us to have been overlooked by the specialists in this field. It would get even closer to the source, would be nation-wide, and would be without hazards or ill effects. It is so obvious that we wonder it has not gained general acceptance long before this. *Why not burn authors?* We are confident that, now that this has been proposed, the delightful simplicity of the method will be apparent to everyone. Author burning is likely to become widespread, and it is hoped that the authors themselves will enter in whole-heartedly. It may be the greatest thing since Gutenburg.

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## A PROFESSIONAL APPROACH TO CENSORSHIP

By William H. Peters
*University of Kentucky*
*Immediate Past-President, KCTE*

Not too long ago, newspaper readers across the nation read of "book burning" in the Dakotas; undoubtedly there was varied reader response to that news article. In Strongsville, Ohio, last year, the school board began censoring anthologies and removing books from the school library. Some of the books in question were Joseph Heller's *Catch 22* and Kurt Vonnegut's *Cat's Cradle* and *God Bless You, Mr. Rosewater.* Re-action

was mixed, with some parents suing the school board. Further reflection of mixed re-action to reading material in the schools is seen in the following letters (and responses) appearing in the Dear Abby column:

DEAR ABBY: I am extremely upset about the kind of books my son's English teacher assigns him to read. He's in the 11th grade.

These books contain some filthy four-letter words. My son doesn't want me to go to school and complain. He says the whole class has to read them.

I think it's terrible to shove vulgarity down the throats of young people. If I heard my teenage son using such language as he is being forced to read, he would get five knuckles in the mouth.

Am I wrong to be upset by this? I am 47 and never have read such filth.

I try to teach my children to keep their language and thoughts clean. I send them to school, and their teachers force trash down their throats. Your opinion, please.

UPSET

DEAR UPSET: I, too am offended by four-letter words. (It's a holdover from my early training—call it a hang-up.) But let's be fair. Not all writing that contains four-letter words is trash. Some are judged to be classics by many highly-respected literary critics.

Relax, mother. I doubt that your son will be corrupted by an English assignment.

---

DEAR ABBY: In response to the mother of an 11th-grade who is upset about the four-letter words in the books assigned to him to read by his English teacher.

Mrs. Upset states, "If I heard my son using such language as he is being forced to read, he would get five knuckles in the mouth."

As a mother and teacher, it is my opinion that there is more suffering in this world caused by parents who think parenthood gives them the right to apply five knuckles in the mouth than by all the four-letter words that ever were.

Just as beauty lies in the eye of the beholder, so does filth in literature. To this beholder, dirty words, if used at all, might better be used to describe man's inhumanity to man: the inhumanity of assuming the right to judge the values of another person and further assuming the right to physically assault another person because of a difference in values.

A WISCONSIN MOTHER AND TEACHER

DEAR MOTHER AND TEACHER: Beautiful. Your students are fortunate, and your children are blessed.

Censorship is not a new issue—Plato proposed to use it in *The Republic*. It has been practiced throughout history. As a teacher of English in Wisconsin, I recall the impact made upon me by the excellent study conducted by Lee A. Burress concerning the pressure of censorship on Wisconsin public schools.[1] The Appendix to his study listed books objected to in Wisconsin, 1961-1963, among which were the following:

[1] Lee A. Burress, Jr., "The Pressure of Censorship on Wisconsin Public Schools," *Wisconsin English Journal*, October, 1963, pp. 6-28.

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| Andersonville | —objected to because of its reference to sex and the language and filth of the book |
| Crime & Punishment | —too much profanity |
| Exodus | —fornication |
| Grapes of Wrath | —immoral and obscene |
| Lord of the Flies | —killing of a pig |
| 1984 | —profanity and sex reference; immoral and obscene; study of communism; depressing; sexy |
| Ox-Bow Incident | —language |
| The Silver Chalice | —brief paragraph describing Helena |

Although censorship is not a new issue, it is constantly a *now* issue. In the May 1974 issue of the *Phi Delta Kappan*, Mary A. Hepburn reports "A Case of Creeping Censorship, Georgia Style." In that article she relates how a group succeeded in banning Edwin Fenton's social studies inquiry series in Georgia. The concluding paragraph of her article is especially significant in terms of clarifying the difference between educational decisions made by professionals and educational decisions based on personal biases:

> The difference between educational decisions based on systematic, informed evaluations by professionals and those educational decisions which are based on personal biases or beliefs of persons with influence must not be underestimated. It is the important difference between professional determination and censorship. Educators in every state should attend to the forms of creeping censorship in Georgia and in some other states such as Tennessee, Arizona, and California. Measures which prohibit intellectual inquiry in the schools are not only counterprofessional, they are antidemocratic in that they impose the beliefs of a special interest on all students and teachers.[2]

In the past, professional organizations have produced publications which might assist individual teachers and/or schools in resisting censorship as it cropped up with individual complainants. A key publication of the National Council of Teachers of English, for example, was (and still is) *The Students' Right to Read*. An important element of this work is the "Citizens Request for Reconsideration of a Work" which asks of the citizen such questions as "Did you read the entire work?" "Are you aware of the teacher's purpose in using this work?" "In its place, what work of equal value would you recommend that would convey as valuable a picture and perspective of a society or a set of values?"

What has complicated the issue of censorship, however, is the Supreme Court's June 1973 rulings which placed the task of defining obscenity upon local "communities." In Strongsville, Ohio, the members of the school board saw fit to begin censoring books; yet concerned parents saw fit to sue the school board for its action. Perhaps the Dear Abby parent who protested the "filthy" literature assigned her son in the 11th grade could live in the same community with the Wisconsin mother

[2] Mary A. Hepburn, "A Case of Creeping Censorship, Georgia Style," *Phi Delta Kappan*, May, 1974, p. 613.

and teacher. In each of these instances, who makes up the "real" community? Such complications in the censorship issue make imperative a professional approach to censorship.

Two major resolutions on censorship evolved from the NCTE Philadelphia convention in November 1973. The first resolution called for an exploration of steps to provide specific helps in censorship incidents and to inform its membership of basic issues and actions on freedom to read.

> RESOLVED, that the Executive Committee of the National Council of Teachers of English with all possible speed seek to establish an "intellectual freedom foundation" serving teachers of English. This foundation shall assemble information on censorship, establish criteria for handling alleged attacks on individual freedom guaranteed by the Constitution of the U.S., prepare reports to the Executive Committee concerning matters of intellectual freedom. Be it further
> RESOLVED, that the "intellectual freedom foundation" seek its financial support from individuals, agencies, foundations, and other interested groups.

A second resolution called for development of information and guidelines for teachers and school districts to use in making wise choice of materials.

> RESOLVED, that the National Council of Teachers of English affirm that all book-selection decisions be based upon soundly developed criteria and that the decisions be representative of a large segment of the community, rather than the vested interests of a few vocal members. Be it further
> RESOLVED, that the Executive Committee of NCTE appoint an ad hoc committee charged with the responsibility of addressing itself to the questions raised by the Supreme Court decision by preparing a broadly-based series of criteria for determining appropriateness of instructional materials. Specifically the committee shall
>
> (1) present ways to demonstrate that it is impossible even for a literary critic to judge from a single word, paragraph, or page what a whole work of literature, both morally and aesthetically, fully expresses;
> (2) establish various criteria and supportive information which can be used by people in different kinds of "communities," whether these communities be defined as classroom, town, city, or state;
> (3) design criteria to assist elementary and secondary teachers as well as administrative personnel at both levels, to make wise decisions regarding selection of instructional materials, both basic and supplementary.
>
> Furthermore, the committee shall include in the criteria procedures for selecting materials and handling complaints within the community, as well as information offering fair and full treatment of cultural groups and current social attitudes. Be it further
> RESOLVED, that the committee be instructed to solicit from affiliates of the Council examples of workable procedure and policy as well as descriptions of circumstances surrounding complaints about instructional materials.

The Kentucky Council of Teachers of English recognized the need for a professional approach to censorship, however, before the NCTE

resolutions of November 1973. One of the most gratifying aspects of my term of office as president of the Kentucky Council of Teachers of English was the unanimous agreement among the members of the KCTE Executive Committee for the need to establish a Censorship Committee. This decision was arrived at during one of our earliest meetings in June 1973. Mrs. Alice Manchikes accepted the role of chairman of the committee. The Executive Committee charge to the KCTE Committee on Censorship was as follows:

1. To provide a survey of censorship conditions in the state.
2. To develop case studies of state incidents of censorship.
3. To consider and plan methods of allowing English teachers to compare notes, to discuss materials and books and ideas under attack, and to discuss the arguments of censors and some effective counterarguments.
4. To provide for periodic reports of censorship episodes and problems, national and statewide, in the *Kentucky English Bulletin*.
5. To establish a means of informing schools of procedures they might follow should they encounter censorship.

This fall issue of the *Kentucky English Bulletin* is the first outgrowth of the work of this committee and of the KCTE to be of assistance to our profession in the area of censorship. Only through the diligence of all of us who may one day be touched by censorship can we stand ready to respond in a truly professional way. And only by our readiness can we protect that precious freedom of all of us—teachers, students, citizens—to explore the many views of truth reflected in the literature we read.

## CASE STUDY I: THE STUDENT AS CENSOR

By Doris G. Sutton

As a member of the KCTE Censorship Committee for the past year, my observations have been limited to the college and university environment where the would-be censor is most often a student. Rather than being primarily concerned with reading material, the university student is more likely to attempt the censorship of an idea incompatible with his value system by bringing pressure to bear upon the classroom instructor. While the usual procedure followed by a student is that of reporting an "offensive" class discussion to the department chairman or dean of the college, the case under consideration here involves a more indirect, yet potentially devastating approach. A copy of the following letter, reproduced in its original form except for changes in proper names, was received by a friend and colleague of mine who teaches at one of the regional universities in Kentucky (hereafter referred to as Kentucky Regional University or KRU).

March 13, 1974

Dear Dr. McIntyre

Last semester I took English 101 under Dr. Rebecca Terhune at Kentucky Regional University. She is a very mixed up person and she allows her feeling to come out and the young student's faith in the Bible and God are shaken.

I have prayed about this and finally while taking a review at our church camp under one of your former professors my answer came.

Dr. John Jones told us there is a professor on the staff there who put Mohammandism, Buddahism and etc., along side of and with Christianity. This is exactly what Mrs. Terhune is teaching our young people and she is a graduate from there. Is there a professor of that caliber on the staff of Church College? If so can we rid ourselves of such a person of Satan's family.

This is a very serious matter with me Our young people are our leaders. It's bad enough that such is being taught, but to think that it comes from one of our schools paid by God's money is more than I can handle.

Please advise me concerning this as to the corrective measures that can be taken to prevent this in the future.

Yours in Christ

Rev. Jonah Wheeler

cc; Dr. Rebecca Terhune, Dr. Robert Smith, file:

The mental gymnastics performed in this letter are intriguing. First, the date of the letter is revealing in that it was written three months after the course was completed by the student. Why didn't the student protest this alleged offense immediately? Given this student's reported obssession with grades, the date may be significant because it was past the deadline for a grade change to be initiated, yet still soon enough for its misguided concern to be convincing. The only other explanation of the delay is that the student honestly did not know how to proceed in the matter until his "answer came."

Secondly, the letter was addressed to the President of Church College, Professor Terhune's alma mater, rather than to one of her superiors at KRU, on the assumption that she had learned her wicked ways and had become a member of "Satan's family" while still an undergraduate twenty years ago. Not only did Dr. Terhune herself receive a copy of the letter (a magnanimous effort to "air the charges"), but a copy was also sent to Dr. Robert Smith, president of the national organization of the church involved. Perhaps the student reasoned that if the college president took no action, the national organization would. Obviously, neither gave the matter much consideration.

As for the content of the letter (Professor Terhune is embarrassed to admit that she passed this student in a college English course), the reader must assume that the student was trying to instigate a "witch hunt" at Church College, instead of openly bringing charges at KRU.

The accusation that "Mohammandism [sic], Buddahism [sic] and etc. [sic], along side of and with Christianity" were taught is laughable in itself, but it becomes ludicrous when Professor Terhune recalls that Muhammad entered the classroom discussion as a result of an attempt to understand Arab reasons for the oil embargo (theme assignment: analysis). As for Christianity and Buddhism, Dr. Terhune remembers briefly mentioning the two religions in order to make the point that Buddhists and Muhammadans often understand Christians better than Christians understand Buddhists and Muhammadans. The student's rather warped interpretation of this discussion brings to mind the following passage from Mill's *On Liberty:*

> Nor is his faith in this collective authority at all shaken by his being aware that other ages, countries, sects, churches, classes, and parties have thought, and even think, the exact reverse. He devolves upon his own world the responsibility of being in the right against the dissentient worlds of other people; and it never troubles him that mere accident has decided which of these numerous worlds is the object of his reliance, and that the same causes which make him a Churchman in London would have made him a Buddhist or a Confucian in Peking.[1]

Given all the evidence, I am convinced that the student who wrote the protest letter never once had his own faith shaken; nor was he concerned about the "young people" in the class. Instead, his religious beliefs were used as an excuse to retaliate against a situation he found both emotionally and academically frustrating. Isn't that often the case with the would-be censor at every academic level?

Though this particular case of attempted censorship can be reduced to the level of absurdity, it is not altogether a laughing matter. Had the student's letter been more specific and logically sound (not to mention grammatically acceptable), the result might have been an embarrassing scene, at the very least, for a professor at Church College. Had the letter been addressed to Professor Terhune's superiors at KRU, she would no doubt have been put in the position of defending herself, regardless of the sympathy of her colleagues. There is consolation in the fact that this student undid himself because of his inability to think logically and because of his incompetence with the language. Again, we can call upon John Stuart Mill to explain the cause of this unfortunate incident:

> Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites, that very few have minds sufficiently capacious and impartial to make the adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting under hostile banners.[2]

[1] John Stuart Mill, *On Liberty*, in *Masterworks of Prose*, ed. Thomas Parkinson (New York: 1962), p. 243.

[2] Mill, p. 275.

## CASE STUDY II: THE RELIGIOUS COMMUNITY AS CENSOR

By Carole Shetler
*A Kentucky High School English Teacher*

"If one of your students becomes demon-possessed, will you accept the responsibility?" That's one of the strangest questions ever put to me in my six years of teaching. The story behind that question is one of academic freedom vs. religious censorship. I suppose that somewhere in the back of every teacher's mind is at least a small fear of parental or community censorship; English teachers seem to be especially vulnerable to that fear. All of us have heard stories about teachers turning communities upside down, and losing jobs over *The Catcher In The Rye*. I have always taken care in choosing literary selections which would not offend the sexual sensibilities of my students and their parents. As is so often the case, when trouble comes, it is not always from the direction we would expect. In worrying about Holden Caulfield, I forgot about that old arch-fiend the Devil himself and found myself embroiled in a whole new censorship battle.

How did it all begin? I teach in a large suburban Kentucky high school which serves approximately 1300 students in the upper three grades. In 1972 we initiated a phase-elective English program, and in the spring of 1973 we were involved in evaluating and renovating some of our old courses, and adding some new ones for next school year. When students were surveyed on ideas for new courses, one idea which turned up frequently was a course in the literature of the supernatural. Because of the wide range of literature available in this area, as well as the built-in interest many students have in anything "spooky," several of our English teachers agreed that this could be a worthwhile course to add to our curriculum. Three of us volunteered to teach it; I agreed to draw up a course outline and survey books and materials and the course was added to our list of English electives. Our department chairman couldn't resist the urge to be a bit whimsical and numbered the course "313." Approximately 450 Juniors and Seniors signed up for the course and we were on our way, or so we thought.

The first hint I had that our new course was going to run into trouble came one Sunday morning while my husband and I were sitting in church waiting for the service to begin. My husband had been a member of this church since he was a child; I attended with him after we married. The church is known for its dedication to a very fundamental and literal interpretation of the Bible. On this particular morning a member of the church tapped me on the shoulder, and, in a deceptively offhand manner, said that he hoped that I didn't have anything to do with that "witchcraft" class that was going to be taught at our school. I laughed and explained that it wasn't a

"witchcraft" class, but a course in Supernatural Literature, and that as a matter of fact, I would be teaching it. Church began, and that was that; I had cleared up a ridiculous misunderstanding, and could laugh at the idea of my teaching a course in "witchcraft." At this point I was a bit like the people who go outside to watch a tornado funnel and take pictures of it. I had no idea of the potential danger and destruction that was to come. The next few months were going to require a lot more than a chuckle and a shake of the head.

In the next few weeks, our troubles really began. Our principal and school board members were beginning to get letters opposing English 313. Once when we were not at church, the course was denounced from the pulpit. We all started to get a bit nervous. I was still under the impression, however, that, "It's all a silly misunderstanding," or "a lack of communication." Our department chairman invited the minister of the church to visit school and we sat down together for what was supposed to be, "a friendly chat to clear up all of this nonsense." We learned one important fact in this meeting and that was that we could not pass the opposition to the course to a simple misunderstanding. The minister and his youth minister, who came with him to the meeting, understood that English 313 was a literature course, but they were still very much opposed to it. They based their argument on the grounds that this type of material grouped together into one course would foster an interest in the occult. Since they believed in actual demon possession, they feared such an interest on the part of young people. It was at this meeting that the youth minister asked me if I would assume the responsibility for the possession of one of my students. My answer, I'm afraid, was not very satisfactory because it consisted of an open mouth and a wide-eyed expression of total disbelief.

After this meeting, we were forced to abandon our theory about "lack of communication" and go to work to save our course. We completed our course outline which would include such masters of the supernatural as Edgar Allan Poe as well as modern stories and films of the supernatural. We were prepared to present our case to the school board. Then a strange thing happened; nothing happened. The church did not go to the board and the number of calls and letters decreased. We gave a long sigh of relief and went on making plans for the coming year. This, of course, included scheduling, and 450 students were placed in 21 sections of English 313.

Within a few weeks, the furor began anew; we were never to learn precisely why it had abated for that short time. Now the letters were more furious and fanatical; we were warned about creating future Charles Mansons and encouraging infant sacrifice. Religious tracts appeared on our car windshields, and some of us received phone calls in the middle of the night. We never believed that the ugly calls were encouraged by the church that was opposing us, but the letters, which were coming to the board members in increasing numbers, did

seem to all be coming from that source. Meanwhile, my husband and I started looking for another church to attend.

Those of us in the English department felt that some positive action on our part was in order. Since our opposition seemed to all be coming from one source, we felt we should appeal to the other segment of our community. We sent a letter home to parents explaining the course and asking for their comments. We wrote to area ministers of all denominations asking for their support. The responses we received were positive but the overall effect of the letter was to enrage our opponents, and by now this was how we thought of them, as opponents. In the final weeks of the school year I received a letter accusing me of conducting seances in my classes. (The charge was ridiculous and was later retracted.) Ironically this letter was written by the man who had tapped me on the shoulder in such a friendly way two months before to inquire about the "witchcraft" course. Another meeting with several church members yielded little but another angry letter, sent to all board members, demanding my dismissal and the dismissal of the English Department chairman.

By now our only hope was to take the case to the school board. Our Superintendent, Principal, County Supervisors, and the faculty members at our school were solidly behind us. Still the letters poured in, and we had our doubts about winning. The local newspapers picked up the story, and I soon grew tired of people asking me where I parked my broomstick. The day before the board meeting we called every parent we could think of who might be willing to come to the meeting to help.

The board finally met on June 6 and debated before what the newspapers called "an SRO crowd." The church representatives argued that we wanted to teach a harmful subject. They quoted Elizabeth, "the New York Witch" who called witchcraft a religion. Therefore, they argued, it had no place in the public school. We, of course, countered that we were not teaching religion or any other practice but merely literature. When the smoke cleared, the board voted 3-2 in our favor.

All that was more than a year ago. English 313 was taught without futher incident. No parent or student complained of its content, and the course proved to be popular enough to be elected by a large number of students for the following year. Most people forgot the "witchcraft" scare and it ceased to be the favorite faculty room joke; hardly anyone comments about my broomstick anymore. For me the incident had a great impact. It taught me never to underestimate community disapproval of what we are doing in the public schools. It also taught me the importance of meeting such disapproval in a professional way. I'm completely convinced that had we not worked for improved communication, and enlisted the aid of parents and other faculty members we would have lost the battle. The reason so many were willing to help was that we were not just fighting for one nine-weeks elective

English course. What we were really fighting for was the principle of academic freedom. We all felt the need to resist minority pressure, especially since it was religious in nature. Many teachers and parents could see the future implications of losing the battle against such pressure. For me, the ordeal, despite the broomstick jokes, was a nightmare. I was caught between my academic beliefs and my loyalty to a church whose leadership I had admired and respected. I still feel, however, as I did at the very beginning, that the result was worth the battle and I have no regrets that we fought to keep the course.

## CASE STUDY III: THE PARENT AS CENSOR

By Jacqueline Walker
*A Kentucky High School Journalism Teacher*

This case of censorship has been included in the *Kentucky English Bulletin* on censorship because it illustrates the use of "Citizen's Request for Reconsideration of a Book," a sample copy of which is included. Again, as in Case Study I, the names of all involved have been changed except that of the teacher involved. By coincidence, the teachers involved in Case Studies II and III are no longer teaching in Kentucky by personal choice. Neither teacher was fired as a result of having been involved in cases of censorship. Case Study II is presented in two parts: Part I consists of book reviews and defense of the book by the teacher in which she presents the educational contributions of the book and why it is appropriate for a particular group of students; Part II contains responses to the "Citizen's Request for Reconsideration of a Book" by both parent and teacher.

### *Part I*

As part of my course in journalism, I required a book report on the topic of journalism. I listed on the board the "best books in journalism published during the school year" as suggested by Bill Ward, Director of Journalism at Southern Illinois University, in *Scholastic Editor Graphics Communications*, May 1971. In addition to these fifteen books, I suggested that any book in the library listed under journalism might be chosen. As a third alternative, I listed two books that are quite similar in context: John Birmingham, *Our Time Is Now: Notes from the High School Underground* and Dianne Divoky, ed., *How Old Will You Be In 1984?* I explained the contents of both books, telling the students that they might find these books interesting if they were concerned with contemporary underground press writings.

*Our Time Is Now* is listed among the "Best Books for Young Adults 1970, in *Top of the News*, Young Adult Services Division of the American Library Association, April 1971." These books were selected on the

"basis of young adult appeal; they meet acceptable standards of literary merit and provide a variety of subjects for different tastes and reading levels." The Literary Association review for *Our Time Is Now* states:

> In this stinging anthology, uncensored high school students speak out via their underground of injustices in the schools and in America, the home of the not-so-brave, and of changes needed now.

Parts of *Our Time Is Now* appear in the book that is being questioned, *How Old Will You Be In 1984?* Both books are collections of outstanding articles from high school underground papers of 1968-69. Both books are relevant to a contemporary journalism course that includes a discussion of the underground press movement among various dissident minorities.

*How Old?* first came to my attention when it was recommended to me by a former editor of our high school newspaper and student leader. I found the book to be an interesting anthology of typical high school radical journalism. In her column "Student Activism" in *Top of the News*, Elaine Simpson, Associate Professor of Rutgers Graduate School of Library Science says:

> There is a growing collection of books with selections from the nation's underground newspapers. Two of the better ones from high school papers are *How Old Will You Be In 1984?* and *The High School Revolutionaries* edited by Marc Lebarle and Tom Seligman. Both sample writings by school radicals from preteen to 20, though most of the contributors are 16 to 18. The students attribute their disaffection to many sources. . . . Divoky has included cartoons, poems, slogans, media reviews, short stories, and articles—more than 250 selections. Both books touch on topics from religion to sex and women's liberation.

The book was a *suggested* reading. There were over 100 alternatives. Following are various sources from leading educational writers who find the book relevant and worthwhile reading:

1. Margaret McGarr, "Writing and Art From Newest Underground: High School Free Press," *Phi Delta Kappan*, June 1970:

> The writers in *How Old Will You Be In 1984?* call for a social order based on honest human interaction. They are rigorously ethical and want an end to hypocrisy in public and private life. . . . The writers are gifted and articulate and the quality of writing is high—often thoughtful, refreshingly irreverent, blisteringly honest. *How Old?* is in a sense a frightening document. But it could also be a hopeful one if the voices in it are heeded.

2. Jonathan Eisen, editor of Pantheon Books and formerly on the staff of *Commonweal* Magazine, *Saturday Review*, January 2, 1970:

> *How Old Will You Be In 1984?* is the kind of book people should pick up if they want to know what the kids really think of the system and why so many of them no longer want to adjust peacefully or even reluctantly into contemporary America. . . . There are now large numbers of articulate students in high school who have pinned the system's categories to the wall, and have done so far better than many theorists

> of education. The book is studded with examples of writing that reveal a life tedious and threatening and basically totalitarian. . . . What predominates is the feeling that what the schools are teaching—respect for authority, regimentation, fitting in, questioning but only within the confines of the predominant ideology—is irrelevant for the kind of society the kids think we ought to be building.

The editor of *How Old?* is Diane Divoky. She is a frequent writer on education and a former education editor of the Boston Herald. In compiling *How Old?* and in her experience as a writer, she was able to do the following study:

Diane Divoky, "The Way It's Going To Be," *The Saturday Review*, February 15, 1969:

> Fed by the mass media, urged by parents and teachers to inquire, the students are sensitive to the larger world and their limited role in it as no generation before. For them, the student council that fulfills itself by planning dances, academic work that leads only to College Board scores, and school newspapers that highlight class elections and football games are not only artificial but inappropriate. The underground press is an escape from the carefully delineated boundaries of school activity and opinion. Not surprisingly, therefore, the newest papers tend to be the most ambitious in scope, boldly taking on the greatest issues in the national arena. . . .

### *Part II*

An Answer To Citizen's Request For Reconsideration of A Book
Author: Diane Divoky, ed.
Title: *How Old Will You Be In 1984?*

1. To what in the book do you object?
   Parent Complainant: (cites various page numbers)
   Teacher: Parent is objecting to various student indictments of the "establishment." Hypocrisy, suppression, regimentation, and materialism are indicated in the various selections. Frequently biased and crude, the novice writers are still guaranteed the freedom of speech and of the press under the First Article in the Bill of Rights. We all know the danger in selecting isolated pieces from any work including the Bible, Chaucer's Canterbury Tales, Shakespeare, or the Declaration of Independence. An overview of the work tempered with an understanding of the social and historical background of the authors is the only intelligent way to judge the value of a work.
2. What do you think might be the result of reading this book?
   Parent Complainant: It would tend to make students think any moral standards or discipline to be an infringement of his or her rights.
   Teacher: The result of reading this book is an understanding of the thinking and writing being done by this particular brand of journalism. Jonathan Eisen, *Saturday Review:* "It's the kind of book people should pick up if they want to know what the kids

really think of the system." I have received several excellent book reviews that indicate students have more maturity in their understanding of the book than Parent Complainant gives them credit for. They frequently express disapproval of many of the generalizations made by the young writers. Generally they grant the writers the right to say what they think and reserve the right to disagree. Another result has been the exciting class discussions that have centered around the book and others of this type.

3. For what age group would you recommend this book?
   Parent Complainant: None
   Teacher: The book has high relevance and interest level among young adults as attested by the listing of its counterpart *Our Time Is Now* among the "Best Books for Young Adults—1970" by the American Library Association.
4. Is there anything good about this book?
   Parent Complainant: No
   Teacher: Part One of this study contains several pages of testimony as to the value of the book including Margaret McGarr's statement from Phi Delta Kappan: *"How Old Will You Be In 1984?* is in a sense a frightening document, but it could also be a hopeful one if the voices in it are heeded."
5. Did you read the entire book?
   Parent Complainant: No. Various parts.
   Teacher: I would recommend that Parent Complainant read the entire book in order to gain an overview. Also she should consider *Our Time Is Now* with concentration on Kurt Vonnegut's Introduction to that book. In order to understand the political, moral, and social stand taken by the young activists I would suggest Reich's *The Greening of America.* Essential to understanding the point made by the students in *How Old* is George Orwell's *1984.* In Orwell's new classic novel, all nations have joined in a totalitarian society. It is an age of Big Brothers (the dictator) who disposes of any citizens having dissident views. Orwell describes an age of book burning, censorship, and blind acceptance of all authority, particularly governmental authority. High school students are familiar with *1984,* and many share the generalization that at age 30, one becomes a member of "them," the suppressive establishment. When the question "How Old Will You Be In 1948?" was asked by the high school writer in 1970, the 16-year-old reader would be shocked to realize that he would be 30 in the year that symbolizes a complete take-over of the mind and soul by "them." That young writer was so cleverly challenging his reader to wonder what he, as a future leader of society, can do to prevent society from losing its basic freedoms that give us the right to be free-thinking individuals. I implore Parent Complainant and school authorities reviewing the book to consider its merits in the light of the above mentioned contemporary works.

6. Are you aware of the judgment of this book by literary critics?
   Parent Complainant: No
   Teacher: See references Part One: *Phi Delta Kappan, Saturday Review, Top of the News.*
7. What do you believe to be the theme of this book?
   Parent Complainant: Rebellion against any moral discipline in school or home.
   Teacher: Margaret McGarr, *Phi Delta Kappan:* "The writers in this volume call for a social order based on honest human interaction. They are rigorously ethical and want an end to hypocrisy in public and private life."
8. What would you like your school to do about this book?
   Parent Complainant: Do not assign it to my child.
   Teacher: The book was not assigned to any student. It was suggested, with over 100 possible alternatives, most of which are available in the school library.

*Teacher's Summary Statement*

An academically "full and meaningful life" includes an understanding of the basic issues that are facing our society. The book is an anthology of journalism of a particular type, often biased but often fresh and original. My students are quick to point out the examples of poorly supported editorials. They are quick to express disagreement with many of the views. The book provides an excellent background reading for a discussion of the dissident press of America.

We do have a dissident press in America. Value judgments (good-bad, right-wrong) are irrelevant. The underground press exists. Diseases exist; our science classes study them. Drugs exist; our health classes study them. Communism is real. We don't like it; we wish it would go away—but still our government classes study it. The underground press is a journalistic force in contemporary America and my journalism classes study it.

As the social studies teacher can recommend "The Communist Manifesto" without advocating communism—I can recommend *How Old?* without advocating revolution. Hiding our heads in the sand is neither intelligent nor sensible. What exists should be examined, discussed, studied, and analyzed.

It is true that many young people are crying out for direction and concern. It is a generation that has seen fine leaders assassinated, its country torn apart by a war that many respected leaders oppose, the ravaging of the land, sea, and air, injustice to minority groups, and it has lived with the constant threat of total annihilation.

I have taught for four years. I spend most of my day interacting with adolescents. I have learned that channels of communication are strangled when we point a moralistic finger at what students are saying and forbid them to say it.

Parents, teachers, and students alike would benefit from reading the book and discussing it reasonably and calmly.

But let us not fear ideas, for if we do fear ideas then truly will we find ourseives in the world of *1984*.

CITIZEN'S REQUEST FOR RECONSIDERATION OF A BOOK

Author _____ Hardcover ___ Paperback ___
Title _____
Publisher (if known) _____
Request initiated by _____
Telephone _____ Address _____
City _____ Zone _____
Complaint represents
_____himself
_____(name organization) _____
_____(identify other group) _____

1. To what in the book do you object? (Please be specific; cite pages.) _____
2. What do you feel might be the result of reading this book? _____
3. For what age group would you recommend this book? _____
4. Is there anything good about this book? _____
5. Did you read the entire book? _____ What parts? _____
6. Are you aware of the judgment of this book by literary critics? _____
7. What do you believe is the theme of this book? _____
8. What would you like your school to do about this book?
   _____do not assign it to any child
   _____withdraw it from all students as well as from my child
   _____send it back to the school librarians' office for reevaluation
9. In its place, what book of equal literary quality would you recommend that would convey as valuable a picture and perspective of our civilization? _____

_____
Signature of Complainant

## CENSORSHIP IN KENTUCKY: KCTE QUESTIONNAIRE

By Alfred L. Crabb, Jr.
*Executive Secretary, KCTE*

Alice Manchikes
*Chairman, Committee on Censorship, KCTE*

In the spring of 1973, the Executive Committee of KCTE felt that the time had come to deal with the problem of censorship. We knew that problems arise more frequently than they are publicly acknowledged, some minor, but many serious. We knew that teachers are sometimes reluctant to discuss cases in which they have been involved. And we felt that other teachers ought to hear about the cases as one of the best ways to prepare for the emergency no one can anticipate. So the Committee on Censorship was born and among its charges was one to investigate the state of censorship in Kentucky.

Alice Manchikes, shortly after being appointed chairman and building her committee to working size, began to work on a questionnaire designed to discover the extent of the problem in Kentucky, what policies some schools have prepared, and how teachers have fared in various cases. The questionnaire, adapted in part from one used by the Arizona Council of Teachers of English, was then sent to at least one teacher in each secondary school in Kentucky. The mailing list was developed from a computer print-out of all high school and middle school teachers supplied through the courtesy of the Kentucky Department of Education. Names from this list were selected somewhat blindly: when we recognized the name of a KCTE member, we chose it automatically; when no names were familiar, we tried to select full-time English teachers, preferably those whose teaching assignments indicated that they might have been teaching several years. We probably didn't always choose the teacher who would respond to the questionnaire, even though it was anonymous and confidentiality was assured. We may not have asked the right questions. But we did open the issue, and many teachers obviously welcomed the occasion to share censorship problems, took time to consult with their colleagues, and answered completely, even voluminously.

Here is the questionnaire to which they responded with their responses:

1. Does your school have a written policy or written procedures for handling complaints about books or other materials anyone might object to?
   Response: Yes 33 No 84
2. If your answer to #1 was yes, would you briefly describe or explain the policy or procedures. Please enclose a copy, if possible.

Response: These responses varied and the policies received as a result of this questionnaire are on file with KCTE. Most of the copies of policies and procedures follow the standard "Citizen's Request for Reevaluation of Material" available from the American Library Association or the National Council of Teachers of English. Several "Book Selection Policies" were received.

3. In selecting books or other teaching materials for your students, which of the following best describes your options?

Response: your free choice 55
your free choice from an approved and printed list 19
your choice from an approved but unprinted list 7
other 3 (This figure included "Committee, librarian, teachers, principal")

4. During the past three years has anyone objected to or asked for the removal of any book (or books) which any teacher in your school has used with or recommended to your students?

Response: Yes 47 No 86

5. What books were objected to? On what grade levels were the books being used? Were the books hardbound or paperback?

Response:

Catcher in the Rye–10
A Separate Peace–6
Grapes of Wrath–4
Go Ask Alice–4
Flowers for Algernon–3
Love Story–3
Of Mice and Men–2
My Darling My Hamburger–2
When the Legends Die–2
Brave New World–2
The Godfather–2
Lt. Calley, His Own Story
The Great Gatsby
Summer of '42
Andromeda Strain
Death Be Not Proud
Portney's Complaint
S is for Space
Welcome to the Monkey House
How to be a Successful Teenager
In the Night Kitchen
Tom Sawyer
Huckleberry Finn
A Bell for Adano
The Exorcist
Valley of the Dolls
Decision
The Crucible
Literature of the Bible
Manchild in the Promised Land
Rich Man, Poor Man
Seven Minutes
Tom Jones
Listen to the Silence
I Never Loved Your Mind
Right On
Cat's Cradle
Where Am I Now When I Need Me?
Nigger
Gone With the Wind
Beulah Land
Lady Chatterly's Lover
One Flew Over the Cuckoo's Nest
Two Loves
1984
Bless the Beasts and Children
Mephisto Waltz
Methuselah Enzyme
All Read Publications
Jesus Christ, Superstar

Subjects mentioned: women's sexual liberation, witchcraft, black magic, and Satanism

6. For each title, what was the basis of the objection?

Response: Responses may be grouped as follows:
language–inappropriate, objectionable, and other adjectives such as foul, dirty, vulgar, obscene, indecent, immoral
subject matter inappropriate for grade level and objectionable subjects such as Satanism, explicit sex, religion, commu-

nism, abortion, death, and violence
illustrations objectionable

7. For each title, who made the original objection?
   Response: parent–47; student–10; minister–5; principal–5; teacher–5; superintendent–2; administrator–1; board member–2; librarian–2
8. For each title, to whom was the original objection made?
   Response: principal–27; teacher–17; superintendent–7; board of education–5; central office–5; librarian–5; student–2; guidance counselor–1
9. For each title how was the original objection made?
   Response: telephone call–23; conversation–14; visit–13; letter–5; sermon from pulpit–1; letter to newspaper–2; conference–4; don't know–1
10. For each title, would you indicate the use being made of the book?
    Response: required reading–31; optional reading–29; choice from required list–2; suggested list–2
11. For each title, would you indicate how the books were originally selected?
    Response: teacher–28; librarian–11; department–10; committee–9; students–5
12. For each title, would you indicate the disposition of each case?
    Response: book withdrawn–31
    alternate substituted–21
    nothing–10
    book removed to closed shelf–4
    student transferred to another class–2
    teacher reprimanded–1
    teacher fired–1
    book destroyed by parent–1
13. Assuming that someone might possibly object to your administrator about some teaching materials in use at your school, how would he handle the case?
    Response: principal would make decision–10
    administrator would support teacher–7
    superintendent or board would decide–2
    conference with parties concerned–18
    administrator would confer with teacher–6
    administrator would confer with librarian–1
14. Does your librarian have a closed shelf restricted to faculty or students with permission slips?
    Response: yes 9 (for faculty only) no 27
    doesn't have one but needs one 2
15. Use the space below and the reverse side of this page to make any comments on book selection, magazine selection, or non-print media selection which did not fit into any of the above questions.
    Response: This space was used for all sorts of comments and opinions. These will be discussed under "Conclusions and recommendations."

A final explanation is due concerning the arithmetic of the responses. The responses were uneven; in some cases not all questions on the questionnaire were answered and many questions were not answered fully. Thus the disparity in totals.

*Conclusions and recommendations*

KCTE's Executive Secretary and his staff printed and mailed the questionnaire used, enclosing a self-addressed envelope using my home address in order to insure anonymity to all responders. All envelopes were destroyed and no attempt was made to determine or identify schools responding or areas of Kentucky represented by responses. Five hundred questionnaires were sent out with a response of 138, a 27% response and a poor one for professionals. Of these 139, 86 were anonymous and 53 were identifiable in some manner—by use of school stationery or return addresses. One reason for the poor response may be due to the method by which names were selected; some teachers may have moved on to other schools. In some cases principals answered the questionnaires, usually reporting no problems with controversial materials.

I wish there were enough space to report all comments, for many were thoughtful and helpful to this committee. One such comment, made by several responders, expressed concern for more careful selection of materials and a growing lack of confidence in book reviews and especially advertising blurbs. A need was expressed for some type of coding which would indicate the presence of such things as stereotyping of ethnic groups, work roles, sex roles, bias concerning contemporary special problems, prejudice, vividly described sex scenes, descriptions of sexual perversion, detailed passages of violence and brutality, witchcraft, satanism, and other forms of the occult, as well as profanity and certain "four letter words." One responder said, "We choose, we cross our fingers, and pray!"

Much self-censorship was evidenced by responses along with an acute sensitivity to community mores. Practices in neighboring communities were also influential. Some comments indicated attempts to avoid completely all controversial material; one responder reported use of the NCTE 1930 list, implying that the "old" classics are the only safe ones. Other responders reported vague feelings of a sense of over-restriction.

At least two responders pointed out that the modern American novel and American literature courses are the source of much of the controversial material. Black literature courses are not offered in some systems for fear of "asking for trouble."

There was an indication also that the Kentucky principal wields a heavy stick hand in book selection and policy and usually makes the final decision in the disposition of complaints, leaving the teacher with little opportunity to exercise any judgment. The extreme example was reported in a case in which a faculty committee attempt to establish a

book review committee was forbidden by the superintendent. Another superintendent announced at the initial faculty meeting of the year that *Brave New World* would *not* be taught or read in that system this year. In some schools the librarian selected all books with little teacher in-put.

Of the group reporting problems with controversial material, only ten (10) had an established policy or procedure for dealing with problems before they arose. Those reporting policies and procedures indicated use of the standards "Citizen's request for reevaluation of material" available from the American Library Association or National Council of Teachers of English.

Providing alternative selections was a solution for some responders who emphasized the importance of avoiding a "Required Reading List" and instead, using a "Suggested Reading List" with lots of choices available to the student, who then makes a selection from that list.

In summary, our composite complaint would look like this: Objections were made by parents to principals by telephone calls about required paperback books selected by teachers through free choice. The winner and still champion was *Catcher in the Rye* (with at least one teacher fired as a result of having required it). The objectionable material was withdrawn. Most objections were based on (1) language as inappropriate or objectionable employing "four-letter words" or explicit sexual scenes and (2) subjects such as satanism, witchcraft, women's sexual liberation, abortion, death, and one-sided religious views. Our censor appears to be changing in profile from the anti-communist of 20 years age to the member of a fundamentalist religious sect who objects to the theory of evolution and the occult, sex education and any sexual connotation, and the always offensive "four-letter words."

One responder to the questionnaire posed the question, "You have a very strict conservative parent on one hand and a very liberal parent on the other. Which parent are we supposed to listen to? I don't think any parent should be allowed to dictate to a whole school." Another problem related to this is do we please the student or the parent with our choices? A San Francisco Bay Area survey of the ten most popular books of the teens and young adults of that area came up with this list:

| | |
|---|---|
| Go Ask Alice | I Never Promised You a Rose Garden |
| My Darling, My Hamburger | That Was Then, This Is Now |
| The Godfather | Bless the Beasts and Children |
| The Exorcist | Mister and Mrs. Bo Jo Jones |
| The Outsiders | Jonathan Livingston Seagull |

The same survey found the following to be the ten most popular authors:

| | |
|---|---|
| J. R. R. Tolkien | Isaac Asimov |
| Kurt Vonnegut | Glendon Swartout |
| S. E. Hinton | Ken Kesey |
| Paul Zindel | Hermann Hesse |
| Hannah Green | Robert A. Heinlein |

The ten most popular subjects with teens and young adults were:

| | |
|---|---|
| Occultism and astrology | MAD books |
| Backpacking | Vampires |
| Motorcycles and cars | Novels about unwed mothers |
| Gothics | Literature on Jesus people |
| Crafts | Books based on TV programs and movies |

These three lists make for a very interesting comparison to the books found objectionable in Kentucky.

Recommendations inherent in the questionnaire responses are:

1. DO formulate a written policy and procedures for handling complaints about books or other materials of a possible controversial nature.
2. DO formulate a book selection policy, involving as many faculty and administrators as possible.
3. DO provide students with an approved and printed list of suggested books. Avoid the required list; some parents see this as brainwashing.
4. DO demand from selection tools more critical reviews with coding or other indications of profanity, explicit sex, four-letter words, and other possible objectionable features. *Booklist* gives composite reviews which are the work of several consultants scattered over the country. Take a dim view of advertising blurbs.
5. DO develop through your English department rationales for teaching literature which include realistic goals based on the needs and interests of specific students in a particular school. (See *English Journal*, Feb. 1974, pp. 47-51).
6. DO expect individual teachers to defend their choices of books based on literary or other objectives, style, theme, etc.
7. DO use your influence to make intellectual freedom the most important community standard for judging materials.
8. DO carry out an imaginative, energetic public relations effort through the PTA and other groups explaining and presenting the objectives of your English program and book selection policies. Take the offensive away from the censor. Many parents just want a chance to be heard and to understand what's going on.

## CENSORSHIP AND ACADEMIC FREEDOM IN THE CLASSROOM

By Priscilla Robertson

*Chairman, Academic Freedom Committee*
*Kentucky Civil Liberties Union*

A Supreme Court decision giving each community the obligation to define obscenity for itself led the Kentucky Council of Teachers of English to set up a Committee on Censorship.

Academic Freedom is less clearly defined for teachers in public schools than at the university level, where the professors' right to almost complete freedom of speech within their classrooms has been upheld by the Supreme Court.

Although the same principle holds true in general for teachers in secondary and elementary schools, the boundaries are not so wide and they have never been so clearly defined by the courts. Then, too, a sometimes competing doctrine, *In Loco Parentis,* holds that in some respects the school system is to act as the agent for the children's parents. If a parent, or more likely, a group of parents would not want children of a certain age exposed to certain words or certain ideas or certain activities, then "in loco parentis" would tend to prevent their being permitted to come into contact with such words, ideas or activities in school.

Children of the first grade obviously need a certain amount of protection. In theory this protection can diminish slowly as the infant grows into maturity; by the time a student is in senior high school he will—outside of school—experience some ideas, facts and vocabulary which his parents disapprove. Frank discussion of such concepts in the classroom is a necessary part of an invigorating and useful education.

We have here, obviously, a shifting boundary between protection and exposure, a boundary which changes from grade to grade, from school to school, from community to community.

Although teachers have gotten into trouble with their supervisors and communities through introducing various ideas from politics and science,[1] the most frequent cause of conflict from within the classroom occurs when English teachers have been censured or dismissed for assigning certain books, typically ones that some sections of the community consider dirty. The first such case that came to the attention of the Kentucky Civil Liberties Union after its founding in 1955, was that of a young man, a substitute teacher at the Louisville Male High School, who lost his job for putting *Catcher in the Rye* (then new and considered very shocking) on a voluntary reading list. This book, like many of the others over which controversy has arisen, has since been declared a masterly depiction of the psychology of that generation of adolescents. Since then, among other titles, *Go Ask Alice* (concerning drug use) and even certain of Steinbeck's novels have caused resistance.

Although the Supreme Court has never handled a definitive case explaining exact limitations on secondary school teachers, the gene[illegible] principle on which lower court decisions have been made is to thr[illegible] the benefit of the doubt toward teachers' rights to conduct their classes as they see fit. The implicit right of open inquiry and of respect for professional responsibility have led courts to vindicate countless teachers who have come under attack. "The freedom of speech of a teacher and a citizen of the United States must not be so lightly regarded that he stands in jeopardy of dismissal for raising controversial issues in an eager but disciplined classroom." (The trouble is, of course, that not all cases reach the courts, since a suit is an extremely expensive process

[1] However, the Supreme Court has held that it is unconstitutional for a state legislature to prohibit teaching about evolution, even though that concept may be abhorrent to large numbers of parents.

in time and money, attended, at best, with considerable emotional strain.)

Certain limitations on this freedom have been suggested in various recent court decisions.

The courts have decided that the State has the power to control the curriculum in the public schools, but not what exact limits that puts, for example, on the right to use, or not to use, particular material—except for the clear prohibition of using the classroom for religious exercises or proselytizing.

In judging any material, tests of relevance, of valid educational objective, and of appropriateness to the age of the students have been applied. A teacher may not use a non-university classroom to champion one side of a controversial issue, although he has the right to state, by words or symbols, his own views.

The test of whether a teacher is backed up by expert professional opinion among educators has been applied.

Furthermore, if a school authority wants to prevent the use of any particular material or class of material, it must give prior notice. Teachers have been cleared on the sole grounds that they were not advised beforehand that certain acts would be considered reprehensible.

For a full and detailed consideration of teachers' rights, in and out of the classroom, with citations to appropriate court cases, consult *The Rights of Teachers,* by David Rubin, one of NEA's legal staff. It is a Discus paperback, published by Avon at 95 cents.

The Kentucky Civil Liberties Union, at 134 Breckinridge Lane, Louisville, 40207, is always interested in hearing from teachers in the state who become involved in controversies over academic freedom or over lack of due process having their cases heard and its investigative and legal services can often be helpful.

## PROTECTION GRANTED TO EDUCATORS UNDER KENTUCKY OBSCENITY LAW

By Michael R. Moloney
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Obscenity. One need only mention the word and a variety of reactions begin. Reactions that range from yawns of indifference to quizzical frowns of wonderment; from speeches of self-righteous indignation to pronouncements proclaiming the sanctity of the First Amendment of the United States Constitution.

Caught in the middle of these reactions is the educator, for he knows the law affords him certain protections in this area but in many instances he is uncertain just what these protections are and how far they are extended. The purpose of this article is to discuss briefly the protections granted to educators under the Kentucky Obscenity Law, both present and future.



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For many years the United States Supreme Court wrestled with the overall question of pornography and obscenity: what constituted it, what to do about it. The court was divided in the past and remains divided today as to the answers to these questions. Yet, throughout the discussions on the subject relatively little has appeared in court opinions or in legal texts regarding the exemptions granted almost uniformly to educators by state obscenity statutes.

In Kentucky the General Assembly enacted in 1966 a comprehensive obscenity statute. That statute attempted to define the term obscene so that all could understand the meaning of the word and so that all could at least in theory know what was obscene. However, not too long after the enactment of the 1966 law questions were being raised regarding what was and what was not obscene. The Supreme Court of the United States did not help straighten out the overall situation through its rulings in a series of cases that "average contemporary standards" would serve as a guide as to what was or what was not obscene. Kentucky's high court, not to be outdone on the subject, allowed as how Kentuckians did not need to have standards established for them, for Kentuckians, so stated the Court of Appeals, knew obscenity when they saw it.

Yet the educator, having been granted immunity of a sort, remained in the middle. The 1966 law, which has remained unchanged since initial enactment provides that:

> The prohibitions and penalities imposed hereby shall not extend to persons having a bona fide scientific, educational, governmental or other similar justification for conduct which would, except for such justification, be criminal under this chapter.

The conduct referred to within the language of the section above quoted is conduct relating to the distribution, publication, printing or exhibition of material which is obscene under the law. Therefore, with this exemption or protection afforded by law the educator is provided with some sense of security. However, as can be readily determined, the language of the exemption leaves much room for interpretation. And, while the language first enacted in 1966 has remained the same since that time, no interpretation or definition of the protection afforded has been forthcoming from the courts.

In 1972 Kentucky's long awaited Penal Code was introduced in the General Assembly. The Code, containing a somewhat modernized approach to the question of pornography and obscenity, was passed by the Legislature but its effective date was delayed until July 1, 1974. The Code did however retain intact the exemption granted educators by the 1966 law. In the commentary accompanying the 1972 Code it was noted that the language granting the exemption from prosecution for "scientific, educational or governmental" use of pornographic materials was "designed to permit legitimate study of pornography for scholarly or scientific purposes."

This brief statement prepared by the drafters of the Kentucky Penal Code affords the only real guidelines available to Kentucky educators for the future. During the 1974 General Assembly the Legislature amended the Penal Code in several areas, including the one governing the subject of pornography or obscenity. The amendments in the area here concerned were necessitated by a series of decisions of the Supreme Court of the United States in June of 1973. In those decisions the Court established a new test which hopefully, in the opinion of the Court, would facilitate the decisions being made on a local level as to what was or what was not obscene or pornographic. The Court in those cases established that the standard which needed to be applied was the standard in each community. As can be readily seen this would permit varying standards across a state and as can be readily seen this places the educator in even more of a quandary, for notwithstanding the exemption afforded by law public prejudices and reactions still exist and local officials are prone to submit to these prejudices and reactions.

However, the 1974 amendments to the Penal Code did not affect the language affording protection to the educator. Instead it reinstated the language of the 1966 legislation which is cited above. While the commentary which will accompany the new Code has not been finalized it can be safely assumed that the legitimate "scientific and educational inquiry" protected by the 1972 version of the Code will continue to be protected after the 1974 version becomes effective on January 1, 1975.

What this all means to the concerned educator is, unfortunately, unclear. One can only presume that prosecutors throughout Kentucky will abide by the provisions of the Penal Code and by the guidance afforded to them in the commentary accompanying the Code. This presumption is, of course, only a presumption and it is not a guarantee that the educator who is making legitimate inquiry or the librarian who is ordering books for a school library will not be attacked by a local elected prosecutor who is seeking either to bring attention to himself in an election year or seeking to prove that he is the true protector of the community's moral values.

It would, however, be my judgment as an individual who spent many hours working on the present version of the Kentucky Penal Code that the Courts of Kentucky will uphold the right of educators to conduct legitimate scientific and educational inquiry wherever it may lead them.